

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

MARCUS F. MORRIS

PETITIONER

V.

NO. 4:15-CV-00159-DMB-JMV

**J. BANKS AND
ATTORNEY GENERAL JIM HOOD**

RESPONDENTS

**ORDER TRANSFERRING CASE TO
FIFTH CIRCUIT COURT OF APPEALS**

This matter is before the Court, *sua sponte*, for consideration of the transfer of this cause. Marcus F. Morris has submitted a petition for a writ of *habeas corpus* under 28 U.S.C. § 2254. Morris was convicted for capital murder on May 21, 1994, in the Circuit Court of Washington County, Mississippi, and has filed at least two other unsuccessful § 2254 motions concerning the same conviction which he now seeks to challenge. *See Morris v. Denmark*, No. 4:14-CV-00155-MPM-DAS; *Morris v. Epps*, No. 4:11-CV-00122-SA-SAA. The Antiterrorism and Effective Death Penalty Act requires that, before filing a second or successive petition, “the applicant shall move in the appropriate court of appeals for an order authorizing the district court to consider the application.” 28 U.S.C. § 2244(b)(3)(A). Morris has not obtained such an order. Rather than dismissing the petition on this basis, the Fifth Circuit permits district courts to transfer the petition for consideration pursuant to 28 U.S.C. § 2244(a) & (b)(3)(c). *See In re Epps*, 127 F.3d 364, 365 (5th Cir. 1997). Therefore, in the interest of justice and judicial economy, it is **ORDERED** that:

1. This petition is to be transferred to the Fifth Circuit Court of Appeals for Morris to seek leave to file this successive § 2254 petition;

2. The Clerk of Court is directed to transfer this petition and the entire record to the Fifth Circuit Court of Appeals in accordance with 28 U.S.C. § 2244(a) & (b)(3)(c), and *In re Epps*, 127 F.3d at 365; and

3. This case is **CLOSED**.

SO ORDERED, this 25th day of January, 2016.

/s/Debra M. Brown
UNITED STATES DISTRICT JUDGE